

**Milton Town Council Meeting  
Milton Library, 121 Union Street  
Monday, March 16, 2015, 6:30pm**

**Minutes are Not Verbatim  
Transcriptionist: Helene Rodgville**

1. Call to Order – Mayor Jones
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call

Councilwoman Patterson	Present
Councilman West	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Councilman Kost	Present
Mayor Jones	Present
Councilman Garde	Absent

5. Public Participation

- Katherine Prettyman Harmon, 117 Collins Street: I want to give a brief explanation. I grew up on the property, 34 years on that property and my family is one of the oldest families in Milton. I am the sixth generation. I'm here simply just to state that my family isn't trying to hold anything up for the town. We are working with the lawyers and the possible new owners; not possible, definite, new owner to get this business taken care of. There was some paperwork that was caught back and it looks like I just talked to my uncle and it looks like the closing is going to be within the next two weeks, so after that everything else just goes on to the new owners. Okay? Thank you.  
Mayor Jones: Katherine, thank you. Are you going to stay for a little bit, for when we get to that? Thank you.
- Jim Welu, 30263 East Mill Run: First of all I think we ought to thank Councilwoman Patterson for her time on the Council and her service to this town. I'd like to make some comments on the revised Chapter 164. I was able to email a few of you copies of some of my comments and I put copies, handwritten, I'm sorry, but I don't have a typewriter or a printer for my tablet. Most of these are kind of housekeeping items. Agent A, first page. I would change Rental Housing Unit to Resident Rental Unit, which is a defined term. Secondly, under Residential Rental Unit definition, I would take out the word "room" and I would replace that with "apartments, house and efficiency apartment". I'm not sure why there's building, structure, enclosure, but they must mean something to somebody, but I would think using the normal terms that we use for rental units, which is housing, apartment and efficiency apartment, which means a room that has it's own sanitary and cooking facilities. I would add a new definition, called Housing Standards and I would go to page 3, 164(5) and take the language that is there, Applicable Provisions of the Town of Milton Code, Chapters 136, etc. and make that the Housing Standards and then just use Housing Standards throughout the document. I would also add an Appendix to this document, which would be the Housing Standards Checklist, so

that it's all in one place. On page 3 164(i)(2), after smoke detector device, I would add and I think this is for clarification for any landlord looking at this, add on every level and outside every bedroom or in a hallway serving more than one bedroom. And that's the Standard of the State. It's good just to spell it out. I'd also add a new paragraph at the end of that, "And the Landlord shall certify the Tenant has received a copy of the Rental Properties Inspection Checklist and a copy of Section 164-85, Procedures for Filing a Complaint." Then I would add, on page 4, 164-8(a)(4), I would eliminate the first three lines and change fines to "a finding" that the structure is unfit. Then I would put a new paragraph (5) and that would be "A finding and after a complaint procedure process, that the Housing Standards are not complied with".

Mayor Jones: Mr. Welu, thank you. We're out of time for you. We'll have to review this.

Jim Welu: Okay. Well I would just like to impress that the last thing I have here is New Section. Procedures for Filing a Complaint. I think needs to be added, otherwise the Code Enforcement Officer is going to be standing and receiving complaints from tenants that should first go to the landlord and be resolved by the landlord and if not resolved by the landlord, then there would be a procedure in which they could come to the Code Enforcement Officer. Thank you.

- Cynthia Armour, Realtor: I have more questions, really, than comments. I've had people ask me why this is necessary? Who is going to enforce these new rules? Why it applies only to landlord's and tenant's and not to other people? I mean, everybody should have smoke detector's in their homes, but apparently only people with rental units will be forced to have them. There's a lot of questions, it seems to me. Who will be enforcing these new rules? How do we get answers to these questions because a lot of rental people want to know.

Mayor Jones: Well I hope you will stay for the discussion of this ordinance this evening and I hope that between the ones of us who have heard you here, that we will address those.

Cynthia Armour: I appreciate that. Thank you.

Mayor Jones: Thank you.

Don Shandler: Yes and I think that's something really important because there are some things on the books that I personally don't support. I think it would be a major setback for the town in whether it's next month or in six months, you have to reenergize the importance of finding a professionally trained, experienced Town Manager. Thank you.

Mayor Jones: Thank you.

- Barbara Wagner, 409 Federal Street: I see that a number of restaurants in Milton have had to close because of water. I don't know if they're closing because of a discoloration or a perceived quality. I would like to suggest that there be a Water Quality Report done and posted on the town website and I hope you'll give an update on where we stand with our water issues.

Mayor Jones: Let me see if Mr. Wingo wants to answer that, Barbara. Hold on just a moment.

Greg Wingo: Just to assure most everybody's aware of the events that happened last week. Tuesday we ended up, we started draining the tower right back here. It was approximately 7:00 a.m. when we started draining that. About 9:15 a.m. we were doing a bypass for the water and we had a valve stem bust off in the stuck position. So it took us

about an hour and twenty minutes, or so, to go ahead and get that repaired, to get the water back up and running. In the meantime, after I established the water flow and got the pressures up, I contacted Delaware Rural Water and talked to one of the circuit people that they have; had them come down just to overlook and verify everything that was going on and also with the Office of Drinking Water. Everything was pumping fine. We had good water. Now the color of the water is due to turning the valves on and off and of course, in the meantime, once we started adding the chlorine and the fluoride to get it leveled back off, we had to open up some hydrants to go ahead and flush the system out here and there. So that disturbance caused a little bit of the color of the water. So Wednesday we ended up having a blown manifold in the well house, so that was that issue on Wednesday, but I didn't lose all my water in town Wednesday; we had another well up and running that was taking that hit. We did drop in pressure just a little bit. My average pressure Wednesday was between 38 and 42 psi. After all that Wednesday, the same thing I called Delaware Rural Water Association and had a circuit rider come in and also the Office of Drinking Water, just to cover myself. Then the system was running fine. It took us and even up until this morning, we were still flushing hydrants. Now, keep in mind, since I'm down to one tower, my flushing hydrants, keeping them opened for a long period of time is out of the question; just so I can continue to keep the pressure up. We had finished flushing the hydrants this morning. I believe I have everything cleared out, pretty much. I would suggest to all the homeowner's that you open up all your faucets and just let the water run for about five minutes and if there's anything that's a color in your pipes, it will come out; but the system is pretty well cleared out and I've taken several tests. I've also sent away for samples and I've gotten them back, that our water is back up to par where it is supposed to be.

Barbara Wagner: I just really hope that you will communicate that via the website. I think that is very bad for the town, for restaurants to close and post that they're closing because of the quality of the water. Perhaps they don't really need to close. They need to have a way to find out when they have questions. I was in the Backyard and they're telling people we're now reopened. It's just not good publicity for the Town, so I hope that you will put information on the website so that people can feel more assured of the water quality.

Greg Wingo: Can I comment on that, real quick? I only had two restaurants that ended up contacting myself and that was the Vintage, this morning down here, not the one out on Route 16 and Po' Boys. Po' Boys, I believe it was Friday when they had contacted me. I went out there. It was around 1:30 or 2:00 in the afternoon. I flushed that hydrant there at Milton Landing for approximately 20 minutes. Pulled clean, clear water out of there and went back in his restaurant and had him open every one of his faucets to go ahead and flush out his lines and then I basically had left; his water was cleared up when I left and then an hour or so later, that's when I found out that he went in and closed for the day. His water was fine when I left there. So when I found out that he had closed and this was about 4:00 that afternoon, I went back out there myself and pulled a sample out of that hydrant. The sample has come back fine. The water was fine. The Vintage contacted me this morning and I think it was approximately 6:50 a.m. this morning and I came down here. Of course, she wasn't opened, so I went ahead into 113 Union, right there where the fitness is now and pulled a sample right out of his sink. That tap of his

water is only 6' from the water that goes in for the Vintage, so I know if she did have color in there, that he would also have color. I have since gotten the results back on that and everything tested fine there and there was no color. I've also gone around today, just to make sure and even check some more, so the water is fine. My recommendation for all the homeowner's is to go ahead and open up your spigots and it's not just one spigot. One spigot is not going to clean your system out and to go back to the notification. We do need to have a better plan on that and we are, at the moment, looking into a better plan. I brought up to Mrs. Rogers about a one-call system; basically if there's an emergency in town or even a big event coming up in town, it's basically set up like the school systems have it; where it would be an automatic call to all the resident's and let you know what's going on and/or what you can expect. We are going to work better at the website, on getting the proper information on that and we also are going to work better to relay the information on my behalf, back to Town Hall, so that when people do call Town Hall, that everybody is giving the correct information and anybody can feel free. My phone number is blasted on the internet. Any time that you have a question or a concern, feel free to contact me. That's part of my job.

Barbara Wagner: I just urge you to put a little summary on the website and I think that calling every resident in town is near impossible because a lot of people use only cell phones and you don't know what those are, so I think we need a system where everybody's told to look at the website if they have questions and what to do next if they still have questions. I just think that it would serve the town really well to have that extra communication.

Mayor Jones: Your point is well taken. Thank you, Barbara.

Councilwoman Patterson: And if I just may say something, because we're up at the Milton Medical Park and we have tenant's up there and when everything shut down I was working from home, but I did call Town Hall and I got right through and I got all the information, so I was able to call all over, our tenant's and our patient's, so Town Hall was very helpful, because I was at your end of that.

Barbara Wagner: I know, but the Town Hall didn't have any information when I called.

Councilwoman Patterson: Okay.

- Rev. Dr. Dianne Davis: Good evening. I'm actually here on behalf of a Ministerial Alliance that just recently got organized and we're trying to have a community sunrise service on Eastern Sunday morning and we're asking that you take a look at your policy and perhaps waive the fees for our new organization that we might be able to use the park for our sunrise service.

Councilwoman Parker-Selby: They need to have on record, the name of your church.

Rev. Dr. Dianne Davis, Goshen United Methodist Church.

Councilman West: What Sunday will that be?

Rev. Dr. Dianne Davis: Easter Sunday. April 5<sup>th</sup>. 6:15 a.m.

Councilwoman Parker-Selby: This is good to know, because I'm dealing with some ministers in the Lewes/Rehoboth area and I was asked if Milton had an organized group of ministers and this is all of our churches in the entire town, as I understand it.

Rev. Dr. Dianne Davis: Right now we have eight churches.

Councilwoman Parker-Selby: Eight churches in our town?

Rev. Dr. Dianne Davis: Yes.

Councilwoman Parker-Selby: That's wonderful, because sometimes we have to reach out to our ministers in all the towns.

Rev. Dr. Dianne Davis: This will be our first service together.

Councilwoman Parker-Selby: That will be wonderful. Thank you.

Mayor Jones: I do have a question for you. Have you gone through the process of what you would need for your service, with the town; as far as the use of the gazebo?

Rev. Dr. Dianne Davis: No, I have not. This is my first step.

Mayor Jones: Okay. That would be my question to you. Would your sunrise service require amplification?

Rev. Dr. Dianne Davis: I think so. There will be music there and one church in particular said they would bring musicians, guitars and stuff like that, so it may. Yes.

Mayor Jones: We will need to be sensitive to that, as our park is lined with residential homes. That's just one point of consideration, but I certainly do thank you. How quickly are you going to need to know to announce this for a location? Yesterday, right?

Rev. Dr. Dianne Davis: Yesterday. That's why I'm here tonight. Could you say more about sensitive. What do you mean?

Mayor Jones: Our park, which if you'll look right out over your shoulder, is lined with residential homes. A 6:15 a.m. service with amplification, will affect those residents. The traffic coming into the park at the hour it will affect the residents. We have to take all these things into account, when we talk about your request.

Rev. Dr. Dianne Davis: We're looking at no more than an hour, but I do hear what you're saying.

Mayor Jones: I understand the time and the time has nothing to do with the length of the service.

Rev. Dr. Dianne Davis: Absolutely.

Mayor Jones: It's different in a location for lack of a better place, Rehoboth has it in the bandstand, which is a middle of a commercial situation; but just want you to know that we'll look at all the possibilities. Now, I don't know how Council will address this issue tonight, without it being noticed on the agenda.

Councilman West: We can modify that under Corrections or Additions.

Mayor Jones: You have to be very careful of noticing something we're about to talk about that has not been noticed before, so I just want you to be careful with that, but thank you for coming. We'll take that into consideration.

Rev. Dr. Dianne Davis: Okay, thank you.

Jeff Dailey: Madame Mayor, point of information.

Mayor Jones: Mr. Dailey, we're in the middle of public participation. May we finish, please?

Jeff Dailey: Sure.

Mayor Jones: Thank you.

- Ted Kanakos, 106 Broad Street: I see that our Solicitor is not here this evening. Are we still going to go forward discussing various issues regarding this, without his...?

Mayor Jones: We are.

Ted Kanakos: Do you think that's proper?

Mayor Jones: I do. He's been in touch with us. He did know this evening's meeting was going on. He didn't see anything in particular. I think his message was of legal concern.

Ted Kanakos: Okay. The real question I have here is, I read the... as briefly as I could, about the inspections of the individual units, what the landlord's responsibility was. Has anyone addressed the needs, concerns, and rights of the tenant's? Do you have the right to enter their apartment without their permission? And I only say this because I don't know if any of you have read the Lease/Rental Agreements? Have you gone through leases when you were coming up with this? John, have you read any of the leases? I know that I'm a landlord for 37 years. I can convey certain things; in other words, he has to let me or a tenant has to let me into the apartment with proper notice, but I was not able to transfer this responsibility to someone else. In other words, tenants have a right to deny access, even to their landlord. Then the landlord can of course take the next step and insist on it; if not, then evict them. Now are we sure that we can get access to each and every apartment. Don't we have to ask the tenant permission to enter their premises and how would this come about? Let's say the landlord complies with everything and you knock on the door and he says I don't want you in my apartment, for one reason or another. Now how are we going to address that issue? Any...?

Mayor Jones: Good point.

Councilwoman Parker-Selby: That's one of my questions, that I looked at when I was looking through all this, because definitely that's an important piece for me, knowing so many people in this town rent and I've had family members renting and if I were renting like you're saying, I sure would want to make sure I had the right to say I'm not ready for you. I'm cleaning up or whatever. But, yes, you have a very good point.

Ted Kanakos: There are a lot of reasons may not want you in their place. They might be illegal. They might be... for any reason. You have a lot of people here from other countries, let's say and they simply don't want you in the apartment. It might remind them of where they come from, where people can literally kick in the door. I really am concerned about talking to these tenant's and making sure you have permission to enter the premises and can they deny that? It was my understanding talking to someone this morning, who is very knowledgeable and they said that you need a warrant if they don't want you in there. You simply cannot knock on the door and walk in, if they don't want you in there. Their home is their castle. So, please keep that in mind. That's why I was wishing that the town attorney would weigh in on this.

Councilwoman Patterson: So tonight we're going to talk about the rental licenses, but, we're also going to be scheduling a public hearing. Is that correct?

Mayor Jones: That's correct.

Councilwoman Patterson: So we're not voting on anything tonight. We're actually discussing just to get things sort of...

Ted Kanakos: I didn't see anything concerning tenant's rights in any of the paperwork.

Councilwoman Patterson: Absolutely and I think what we're going to do is we're going to try one more time to discuss and get something solid further to give to the public, so that the public can weigh in and then Council can take that information when they make the decision a little later on down the road.

Ted Kanakos: So if the public did not weigh in on this particular issue, it would not be mentioned?

Councilwoman Patterson: No. I'm glad you brought up what you did, absolutely.

Ted Kanakos: I don't want to discount the tenant's rights.



Councilwoman Patterson: Absolutely and that's a good point.

Ted Kanakos: They have certain constitutional rights and to make this Ordinance effective, you must be cognizant of these rights. I have one more question, real quick. Are we still on the thought of inspecting each apartment once each year? No. Okay.

Councilwoman Patterson: No, I think that was just at the beginning of a new lease. That was something that had been discussed.

- Jeff Dailey, 211 Grist Mill Drive: Thank you Mayor and Town Council for letting me address you at this point of information. The newly formed Consortium of Churches the Reverend mentioned is hoping to have this sunrise service at the bandstand and just for your information the Lewes/Rehoboth Alliance of Churches has a sunrise service at the bandstand in Rehoboth Beach, Delaware every year, I think for the past seven years, if I'm not mistaken. Of course, as the Mayor pointed out, there are residences nearby, apartments, even though that's a commercial street; there are still residences on the other sides of those buildings and they do have amplification. It's a wonderful boon to business and area restaurants will tell you, out of the 500 or 600 assembled, everybody goes for breakfast, so it's something to think about in terms of economics. Thank you so much.

Mayor Jones: That's all for public participation.

#### 6. Additions or Corrections to the Agenda

Mayor Jones: We will need a motion to strike 9.d., Condemnation or Demolition of 102 Hazzard Street; that is a typo and it needs to be struck from the agenda.

Councilman Coté: Motion to strike.

Councilman West: Second it.

Mayor Jones: All in favor say aye. Opposed. Motion is carried.

Councilman West: Madame Mayor, I think we need to put it on the agenda to discuss this Consortium about using the park for their sunrise service. I feel that it's just a great benefit to this town to allow them to either use this park or they use the one over by the pond.

Mayor Jones: And I do not disagree with the idea of a service being held in the Town of Milton, however, we're taking on tonight, if you do this, you need to take on all of the park policy, because this is an exception to the policy that we voted on and this will be just one of many that will then have to be heard. I just ask you to be very careful. I understand that it's a very personal issue, a very emotional issue, but we should be very careful in approaching it as adding it to an agenda and I am only one comment, so I would like to hear from everyone, please.

Councilman West: But to me this is not just a church thing; this is a town-wide event.

Mayor Jones: It's not a church... I'm not classifying it as a religious event. I'm just saying, the exemption here, how far are you prepared to apply it? Are you prepared to take on the Park Use Policy that was passed?

Councilman West: Yes, because I don't feel that that Park Use Policy is fair. I never did. I never agreed with it. It's looking to me that this town is getting money hungry about anything that they want to do in this town and it's wrong. Non-profit's should not have to pay for the use of this park and I said this all along. But nobody will listen.

Mayor Jones: This policy was voted on by Council and it was passed.

Councilman West: I know it was.

Mayor Jones: It was passed.

Councilman West: I know it was, but it's not right. It is not right. You've not get any set fees for anything. You want to charge one one thing and one another. I feel the only charges that be made to non-profits, is if we have to put trash cans in there and then the town has to go back and police everything up, then yes, they should be charged for that. But, as far as non-profits using that, no, I don't feel that we should charge non-profits. I said that from day one.

Mayor Jones: I appreciate your comments. Council cannot vote to change that policy this evening.

Councilwoman Patterson: It's not trying to penalize the non-profit, because I think it's great that we want them to use the park. It's mostly cleaning up, like the garbage and all of that comes from townspeople money and trying to use our limited resources; just to pick up the garbage and just to make things \_\_\_\_\_ and that's all it is. It's kind of a nominal fee.

Councilman West: That's what I said before.

Councilwoman Patterson: That's why we tried not to make it very, very expensive, at all. But, it's a fee.

Councilman West: But I feel that if we charge them this time, to use this park, then in time we go back and review all these policies, that there would be a possibility that we reimburse that consortium their money back, unless the town has to clean up after them.

Councilwoman Parker-Selby: Okay, I simply hope that we will allow the churches, since they are a brand new group, to do this, because of course, it would help our town a lot, as Mr. Dailey said. The question I have is, I guess for the Minister. What timeframe are we working with, because it's not on the agenda and we do have to follow these agendas legally? So how soon do you... I know you said we needed it yesterday, but it's not on our agenda tonight and we have to go by what's on our agenda; so how...

Rev. Dr. Dianne Davis: We actually have another meeting on the 23<sup>rd</sup>, so we'd like to have it firm that we can use the park and go forward.

Councilwoman Parker-Selby: Would we have time in another meeting?

Mayor Jones: We meet again on the 23<sup>rd</sup>, it's a Charter Workshop and it has been reviewed. Are you stepping up to the microphone to speak on this issue?

John Collier: No, Ma'am. I'm going to here a lot, so I thought I'd get be in place.

Mayor Jones: Dianne, I must say that it is a topic worth talking about, but we are bound by FOIA, we are bound by protocol and timing-wise, I am not comfortable adding this to our agenda, to make a decision tonight, because it would require a vote.

Rev. Dr. Dianne Davis: I did send an email requesting it to be on the agenda and I got a phone call saying they didn't want me on the agenda. I could not be on the agenda, but I did send an email requesting to be on the agenda. She called me back and she said she did have a conversation with someone and they said, they did not put you on the agenda.

Mayor Jones: But that you were free to come and speak during public participation, was that correct?

Rev. Dr. Dianne Davis: No, they did not give me that information at all. I got the information today and someone told me to come and be part of the public participation. I was informed not to come, that I could not be on the agenda. But I did make the request.

Kristy Rogers: I talked to the Town Solicitor and because the agenda had been posted, I could not add it after the fact, is what I...

Mayor Jones: Do you understand what she said? She spoke to the Town Solicitor and the Solicitor stated that because the agenda had already been posted it could not...



Rev. Dr. Dianne Davis: That was the information that I got. They said that could not be tonight.

Mayor Jones: Okay.

Councilwoman Parker-Selby: Well, I'm just going to make a comment because I think to myself and want that clear, again; this is the first time that this organization, which is a new organization for this town, has come before us. It's not on the agenda, but I'm not afraid if all these ministers are trying to pull something together, every town has something. Lewes is there on Lewes Beach. Rehoboth has it over there at the Gazebo. And here we're a part of what I call the Cape Region and it's always something Milton, Milton, Milton in a negative light. This is a positive situation and I don't have a problem going against whatever, if it means we're going to pull our town together in a ministerial group of people, which is a group of people trying to pull us all together as a community and as Mr. Dailey said breakfast's and our businesses are getting money. I'm willing to go against that and put it on the agenda, but I'm just one voice, as usual.

Councilman Coté: It's a little tough, but I don't know that we can violate the FOIA Rules because we like the event. I don't think you anything other than people who might be awakened at 6:15 or 6:30, that choose not to be; but I don't think we can violate the FOIA Rules because we like the event and the agenda has to be noticed a week before the meeting. I don't know when you sent your email.

Rev. Dr. Dianne Davis: Two weeks ago, after... I initially emailed it to the Mayor and the Mayor sent me an email back, telling me who to contact; I sent Kristy an email \_\_\_\_\_ and I got a phone call saying she thought they would have to look at the whole policy at that time, so they would not put me on the agenda. It wasn't anything about a deadline at all...

Councilman Coté: But it didn't... I don't know that we cleared up the timing of the email, but it didn't make the agenda and because we've had issues, the town has had issues in the past with violating FOIA Rules, I think we need to be very careful about that. While I don't live near the park, so I don't get up at 6:15 a.m.

Mayor Jones: You would need to go to the microphone. Yes.

Councilman West: Madame Mayor, I know how to settle this problem. We can just make this a town-wide event for this and then next year, look forward to changing all this.

Rev. Dr. Dianne Davis: My question would be, who makes the decisions about whether I can be on the agenda, or not, without even thinking about... let's just put aside the timeframe? Can someone actually call you and say I spoke to someone, we decided that you shouldn't be on the agenda? Is that how your process works? Or does your process say, when you make a request, no matter what it is and if it's within that timeframe, you can be on the agenda?

Mayor Jones: When the agenda items go out to be posted, they are sent to the Town Solicitor for review. I don't know at what point Mr. Thompson reviewed your request to be added, but if the answer was it did not make it in time of the seven day notice, that's all I have to go on.

Rev. Dr. Dianne Davis: Okay, but that wasn't the answer. That wasn't the answer that I got.

Mayor Jones: Okay.

Rev. Dr. Dianne Davis: The answer I got was that a decision was made that because I was asking for a waiver and they would have to look at the whole policy, they did not want to look at the whole policy at this meeting. There was nothing about a timeframe at all.

Mayor Jones: And looking at the whole policy is different than looking at just your request. The entire policy, which was just recently passed, does not have an exemption part to it. If there's an exemption to be granted, it would have to come as most routine, back to the Mayor and Town Council.

Rev. Dr. Dianne Davis: So what I'm hearing you say is that somebody did not want to address the issue of the policy and so therefore, they made that decision and decided I could not be on the agenda? Is that what I'm hearing you say?

Mayor Jones: I apologize that I'm not able to answer for someone else's behavior or when the did it.

Rev. Dr. Dianne Davis: It's not about behavior. I'm just asking the procedure.

Mayor Jones: I would be guessing. The procedure is that the Town Solicitor looks and approves it. Outside of that, I don't know what the request was if you want to be put on the agenda for a waiver, pure and simple. If that's how your presentation was, it's nothing I think I can resolve here this evening for you, but I will be happy to look into it. The issue we're looking at right now is procedural. Trying to and listening to what is a very good idea about bringing your service here to Milton; but we are caught between a rock and a hard place of policy, right now and this would require looking at this park policy.

Rev. Dr. Dianne Davis: Let me just ask you one more question.

Mayor Jones: Certainly.

Rev. Dr. Dianne Davis: If I were to send an email whenever, next week, and someone felt that they did not want to address the issue of your policy, would I then again be not still on your agenda? What I'm hearing is that no one wants to take the time to look at the policy. No one wants to review your policy or revisit your policy?

Mayor Jones: What I hear you saying has already gone on my notes as we need to review the park policy. You will not need to come forward to be put on the agenda. We'll get it on the first next agenda, as quickly as we can. We can guarantee that, but I cannot say it will solve what you're asking us this evening.

Rev. Dr. Dianne Davis: I wasn't asking that.

Mayor Jones: Okay, but I want to just clarify that to you. You've brought up a very good point. The review of the policy is warranted.

Councilwoman Patterson: I don't think we put a waiver on the policy. It's at the stage already...

Kristy Rogers: And that's correct.

Rev. Dr. Dianne Davis: I thought we were addressing the issue of why it didn't get on the agenda. We're not addressing the issue of why you don't have a waiver, I thought, speaking on behalf of why I was not on the agenda.

Councilwoman Patterson: It is a new park's policy that has just been created and so...

Rev. Dr. Dianne Davis: I do understand that. I understand that. Why are you addressing the issue about the agenda tonight and I was noting that I did ask to be put on the agenda.

Kristy Rogers: And that was after I posted the agenda and that's what then began a conversation with our Town Solicitor, so last Monday, when we spoke in the afternoon, I had said I would check with the Solicitor, if I had the authority to waive park fees. When I did so, I was told no; as the Town Administrator you do not have any authority, there are no exemptions in your policy to waive those fees. So when I received your email Monday night, the agenda had been posted and I again contacted the Mayor and the Solicitor and I said may I amend the agenda, to include this waiver on there and it was no. It would violate FOIA. That's why then I emailed you and called you back on Tuesday, saying I could not add you as an agenda item. There was nobody that told me don't address this issue. It was the simple fact of FOIA. I could not amend the agenda.

Rev. Dr. Dianne Davis: Okay, we'd probably go back and forth on that, but irregardless, I do

hear what you're saying and thank you for your time.

Mayor Jones: Absolutely, thank you.

7. Agenda Approval

Mayor Jones: We're still up on number seven, looking for agenda approval with your amendment of striking 9.d.

Councilman West: I make a motion that we approve the agenda, striking 9.d..

Councilwoman Parker-Selby: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried.

8. Old Business – Discussion and possible vote on the following items:

a. Abatement of nuisances and/or condemnation of 307 Atlantic Street

Mayor Jones: You also have your asbestos survey report. Mr. Collier.

John Collier: Good evening, Mayor and Town Council. I just thought I'd move to this side of the room because I think this is going to be my night at the microphone for a little while. You are all familiar with 307 Atlantic and at the last meeting, the Council authorized me to proceed with the ordering of an Asbestos Report and we have that back and there is asbestos on the exterior siding of the building. So with that being said, we had discussed two possibilities as to what actions the Town could take at this time and that was either to authorize the boarding up of the building or authorize demolition. Either one is going to require an asbestos abatement, because of the fact that they can't drive nails in the boarding up, without the potential of damaging the existing asbestos siding and running into a contamination issue. It would be my request to this Council that they go ahead and allow me to proceed with advertising this for bid for demolition and be done with this, once and for all. Boarding it up is not going to change the fact that it's an eyesore and a nuisance. I realize that there's the issue of the fact that there potentially may be a lien on this property of up to \$25,000 and I can't tell you how easily we may be able to recover the demolition costs, but we may place a lien for them. So, again I leave it to Mayor and Town Council as to what the next step is. I'm happy to accommodate you in any way you choose.

Councilman West: Madame Mayor, I'd like to make a motion that we let Mr. Collier proceed with getting bids on demolition and also making sure of that lien process that he spoke about. Do all your homework, John.

Councilwoman Parker-Selby: So, 307 Atlantic?

John Collier: That's what we're speaking of, 307 Atlantic.

Councilwoman Parker-Selby: Yes, I know you are. I'm just making sure that's clear for the public, as well.

Councilman West: And just make sure that all your i's are dotted and your t's are crossed, so that when you go to bid, everything is 100% right. I make that motion that we allow him to proceed.

John Collier: Yes, Sir.

Councilwoman Patterson: I'll second.

Mayor Jones: On the discussion, did you say there is an existing lien, up to \$25,000?

John Collier: There could potentially be an existing lien of up to \$25,000. By our attorney, there is an opened Line of Credit of up to \$25,000 against the property, but we

don't know what amount, if any, may be applied against that.

Councilwoman Patterson: I think it's such an eyesore I'd like to at least find out what the cost is for demolition.

Mayor Jones: And just before we do vote, I have one more... it's a connector question to this. This experience has obviously brought to your attention the need to address the Ordinance and the timeframe that we give a property owner to demolish a building with a repeat permit.

John Collier: That is correct and that is in process.

Mayor Jones: Thank you so much. Does anybody else have any discussion on this motion? All in favor say... Do you have a question?

Councilman Kost: I have a question. No my question is actually for the Treasurer. We're demolishing a house on Route 16 presently?

Councilman Côté: That's under...

Mayor Jones: You can still talk about it. Go ahead.

Councilman Kost: And we're going to demolish this house, possibly. I'm just looking at budget and how much money we're spending and when we're going to get it back, because we have other things we have to deal with and I'm just a little... We've got two other demolitions possibly to shell out.

John Collier: Councilman, I may be able to help you with that slightly, but I can't tell you that it's the absolute correct answer. As I interpret the lien policy for a thing like this, it's the same as placing taxes on property and in the case where someone does not pay their property taxes, the Town has the ability to force it to what's known as a Monition sale for non-payment of taxes, so essentially the way that I view this and the attorney I'm sorry is not here to dispute this, but he and I have had this discussion and he hasn't disputed it yet. This could be billed as part of the next fiscal year's tax bill, potentially and that would start the process for... if you're going to have the lien in place anyhow, but you bill it as the taxes and that speeds up the process of being able to go to a Monition sale.

Councilman Kost: Yes, that's my only feeling. Demolition isn't the question. It's getting the money back.

John Collier: And of course, it's a very valid question, Sir.

b. Abatement of nuisances and/or condemnation of 117 Collins Street

Mayor Jones: You'll find in the note here, some up-to-date information. We may have some others on Council and members of our audience that have up-to-date information.

John Collier: The woman that spoke this evening, Ms. Harmon, brought to the table information that I had not been made aware of, as of close of business today and the only concern that I have is that the buyer, the potential buyer is aware that this property has been condemned and placarding and there should be a disclosure, because it doesn't release the fact that it's under condemnation and it needs to be addressed. Again, it's at the Council's discretion whether we wait a period of time, or we proceed immediately. The first thing that still has to be done before we go anywhere is that an Asbestos Inspection be done. I think that's advantageous to the Town any time you do a condemnation, because it gives us an idea of what to expect on the bidding end, because otherwise if we go into it blindly, we have no idea what to anticipate the cost to be. At

least this gives us some foothold on it.

Mayor Jones: And if we were going to extend this issue, we wouldn't need to go through that inspection, at all.

John Collier: The inspection will have to be done, either way; whether the Town proceeds with the demolition or the new owner of record proceeds; the inspection has to be done. Now, it may be prudent to wait this out, how long do we wait?

Mayor Jones: Well Ms. Harmon, you said we could expect closure on the property within two weeks?

Katherine Prettyman Harmon: Yes, by the end of this month.

Mayor Jones: Okay. Thank you.

Katherine Prettyman Harmon: And there are asbestos shingles on the house.

John Collier: At the very least, and of course the asbestos inspection may show that there be asbestos in the flooring, it could be in the walls, even in the plaster on the walls; I learned this through experience.

Katherine Prettyman Harmon: From what I understand, the owner is demolishing; that's just from what I've been told.

John Collier: Okay, well, Ms. Harmon, I appreciate that. At this point, in my position, I can only deal with the owner of record, not the future owner of record.

Councilwoman Parker-Selby: Well I would simply like to because I, on my way from Norfolk, Virginia yesterday, got a call from Mr. Prettyman, who is the brother of Noble Prettyman and he let me know that definitely he was not aware and when we got this note, I was concerned, because I know this family is very much into taking care of their business and it had a statement here the owner did not contact the Town of Milton. Well, that bothered me so I contacted Mr. Prettyman. He wasn't in. I left a message. That's why he called me back yesterday, to let me know that he, too, had not heard from the lawyer and he was not aware that the Town of Milton had not heard from the lawyer, at that point. But his niece came forth tonight with even more updated information from Mr. Prettyman today, which I had not talked to him today, as I was planning to, but I was out on business matters today. I would simply like to, at this point, make a recommendation that we allow the Prettyman family to take care and get their legal matters taken care of and if it is within the two week window, that won't be that long from now. I make a motion that we allow this family to take care of this matter before we go through with the further demolition process.

Councilman Coté: I would add and going on Councilman Kost's comment, if the new owner is planning on demolishing the building, that would be at their expense, rather than the Town's expense and have to go through the process. I think it's probably in our interest at this point, to wait the two to three weeks and deal with the new owner on noticing them that it's been basically condemned and demolition is pending.

John Collier: Councilman, your point is well taken and I would just remind all of Council that part of your obligation and my obligation to the citizen's of Milton is to protect their health and safety and welfare and this has been identified as a potential health and safety problem. So...

Mayor Jones: I would like to add to that, that I think it would warrant allowing this family and the sale of the home to close; disclosure to the new owner; but I would just ask that we just place this on our April agenda for review and the updates that are

available and if any further action is needed. Would Council agree to that as being part of the motion that we actually put a date on it, that it will come back in April?

Councilman West: Yes, because that's what I was going to suggest, Madame Mayor; this way it will give them time to do what they've got to do. It will give Mr. Collier more time to do more research and we set that April the 6<sup>th</sup> deadline, then it's got to be set in stone and then Mr. Collier can go forward one way or the other.

Councilwoman Parker-Selby: I'm good with that.

Councilman Kost: Second.

Mayor Jones: All parties happy with this?

Councilman Coté: I guess I have one question that comes to mind and I probably will ask it and please don't be offended. I assume this sale is an arms length transaction? It's not a family member and not your best friend, just to delay the process?

Katherine Prettyman Harmon: I've never met the man. I don't know who he is.

Councilman Coté: Okay, that's all I needed to know.

Councilwoman Parker-Selby: I could answer that, as well.

Mayor Jones: So we have a motion on the table, we're going to place this item on hold right now and we'll bring it back to wait for some clearance of the actual property on April the 6<sup>th</sup>. All those in favor say aye. Opposed. Motion carried. Thank you for being here Ms. Harmon.

and

- c. An Ordinance to repeal and replace Town Code Chapter 164, "Rental Licenses";

- d. Licenses (third reading)

Mayor Jones: I believe before we start on this, there's still a lot to look at, but I believe I speak for the Town Solicitor, the Mayor and Town Council, Mr. Welu thank you for the work you have done, for the contributions you've made. I know that you have been a conduit from others in the community, so I just wanted to take a moment and thank you for your input. We also have some information here for legal guidance this evening, a letter from Mr. Thompson here dated March the 12<sup>th</sup>. I had a couple of questions that came out of this, but why don't we start with a review of the Ordinance, shall we?

John Collier: You all should have received this evening, a Memorandum from Mr. Thompson in regard to this Ordinance and his comments and statements. I realize that you probably haven't had a lot of time to review it, but it captures it all. I tried to pick up most of the comments that were made this evening on the open mic. I have to agree with the one made by Mr. Welu about conforming language in the Definitions, under A and it's actually, item A, I believe. That I have to agree. In answer to Mr. Kanakos' question, Title XXV, Chapter 55, Sub-Section 5503(a), states something to the effect that under the Landlord/Tenant Code, the Tenant Obligations is to comply with all Ordinances and Regulations of the municipality... That's not verbatim. It's paraphrasing of it, but that's the answer to your question, Sir, as far as where the Town has the strength to perform an inspection. It's mandated in the Landlord/Tenant Code under Tenant Obligations. Mr. Welu, thank you for that comment. Again, I think some of the points that were made through the various times that this has been up, there was some question as to whether we needed to do annual inspections. It's now been reduced to where a new unit has an annual inspection and that would be new to the system. Yes?



Mayor Jones: Mr. Collier, could we start on page one and allow the Council to follow? I've heard you say you agreed with a comment and Mr. Welu's recommendations for a Definition. We're on page one, let's start with that.

John Collier: Yes. Definition. The Definition for Aged and it would be under the letter A and it says make, contract for and authorize necessary repairs and it says Rental Housing Unit and we define it throughout and speak to it throughout the document as Residential Rental Unit. I agree, for conformance sake, that that should be done. That I have no issue with. As we're going through, since we started at the beginning, we struck dwelling, we struck dwelling unit, we redefined Landlord and included some language to capture the concept of a lease, including a month-to-month lease. Residential Rental Unit, that I think it's okay; well it still uses room, enclosure which is rented and is offered as living quarters and containing independent living, cooking and sanitary facilities. I think that captures the question about owner/occupied; particularly somebody who's renting a room within their home, as a sleeping room. If it doesn't have independent cooking, living and sanitary facilities, which more often than not a sleeping room does not have all of those; then that kind of leaves them out of the mix, so to speak. We get to the second page of the document with redlines and it has to do with Tenant and we added the words, "including the lessee", which is also the person who signed the lease. Coming on down the page, there were no significant changes to 164-2 which just says the license and registration is required and the annual fee is set forth in 164-3, which generally refers to the fees, as established on our Fee Schedule, which is established annually by Council and 164-4 has an Application Procedure. And that procedure, there was one minor change, I believe. We struck the statement of the license application relates to Residential Rental Units, Rental Rooms and Dwelling Units; specify the number of sleeping rooms provided, to the number of sleeping rooms provided; is all we ask on the application. And as we come through that section, we get to 164-5, Certification. This probably had the most significant changes of anything in the latest version, this reading and it now states "upon receipt of an initial license application", so that clarifies when an inspection should occur, with an initial application. If someone in this room decides to purchase a home and offer it as a rental, for the very first time, that's an initial application. Existing rental, as we know them today, would be grandfathered under this and only be subject to certification. The only time, in this Ordinance, as it is written that an existing unit would be subject to an inspection, would be if a license is allowed to lapse. That would be the one time. If you allow your license to lapse, it's just like a new application all over again. I don't know the exact frequency that these things are paid. I know that most people pay them on time, but we have them drifting in, even now, this far into the new rental license year. So it maybe on us to get people to go ahead and get it done on time. There is a procedure for certification that meets with the...

Councilman Coté: I just had a question on the timing of all that. The rental license is for the calendar year?

John Collier: Correct.

Councilman Coté: Which means for it to be on time, does that mean it needs to be renewed in December or is it late on January 1<sup>st</sup>.

John Collier: On or before January 1<sup>st</sup>.

Councilman Côté: January 1<sup>st</sup>.

John Collier: On or before January 1<sup>st</sup>.

Councilman Côté: Well, the first is not so likely. Okay, I just wanted to get the timing correct.

John Collier: The unit is still required to generally meet Housing Standards and there was a woman who had a question about what was done to other houses. Housing Standards apply to all homes in Milton, not just rentals, and it's the same standard for an existing residential home that anyone of us in this room might live in, as it is for a rental unit. There's no separate standards, one against the other. My home is subject to the same rules. I own my own in town and my home is subject to the same rules as a rental unit is subject to. That's generally how this is structured.

Councilman Côté: Now the Housing Standards are what Section 136?

John Collier: Chapter 136 and the particular sections that we're applying in the case of a rental are Sub-Section 136-11 to Sub-Section 136-23 and part of the attachments you should have received tonight is generally the Checklist. It does not reference every section as some of them are really there's no inspection to it; it's just a general statement. But this is the list, as I had developed it, as requested by Council and it's subject to change, as well, but I think it's reasonably comprehensive without being over the top. It's very general. We're not going to do structural evaluations. Obvious structural flaws, you can look at and know there's a problem. If I look at the foundation of a home and two-thirds of it is gone on one side, that's a structural flaw that I can identify, but there are some things that we're not qualified to do, nor would I want it to say that I'm qualified to evaluate structurally. I'm not going to go around and knock holes in the walls and look for termite damage. That will show itself in its own time. There are just certain things. I'm not going to dispatch anybody to crawl through a crawl space and do a powder post beetle inspection. I figure that, again, it's been stated by someone on this Council, that 95% of the landlord's that have to live with this particular thing, are above board and honest, but there's always that one out there that tries to skirt the rules and it has to reflect on all.

Councilman West: John, I have a question. Some of these landlord's that own these houses, they go through realtors to rent these houses. Have you taken that into consideration too?

John Collier: That has been taken into consideration.

Councilman West: Do all of these homeowner's that rent their property through a realtor, let the Town know this?

John Collier: That's why we have an identified agent, in our definitions and generally, the agent would be the management company, the realtor that represents an owner...

Councilman West: Because my thing is, they could be telling you I'm the owner of this property, but they're going through an agent and they don't let you know this and then they run you through hoops to try to get the information that you need.

John Collier: Generally, if we have an issue, first of all when the license procedure is done they have to identify the Owner of Record and they also have to identify their agent, if there is an agent, so that's pretty much identified on the front end. What I might not capture is rental management companies are fired right and left. They're not satisfied and they get rid of this guy and they hire another guy. They may not tell us that in the

middle of a license year, but again, at the end of the day, the gentleman that I'm going to speak to, if we have an issue with a rental unit, is not the agent, it's the Owner of Record, because he's the ultimate person responsible for the structure. The Housing Standards pretty much said what this is. Again, I think I spoke to the idea that the list pretty much covers it. There is some conforming language just to conform the idea of landlord; in places where it initially said Article, when actually it should have said Chapter and I'm at 164-7, which is Inspection Access. It states that the Landlord or his/her designee, which in this case might be the realty company, the management company, or anything like that shall be present on the premises during the inspection, so someone has to be there representing the building owner; whether it be the owner themselves or their designee. Generally, we have some clauses that were added in here, if an inspection is scheduled and the party to be inspected does not honor the time scheduled, a reschedule would result in a fee. If there is a deficiency noticed, we will return and look at the deficiency to see that it's corrected the first time and no charge the second trip and each ensuing trip after that would cost \$50. These are just fees to keep us from running in circles and also, some people will generally make an appointment and cancel it and make another appointment and cancel it, just to avoid the issue at hand. This is to try and prevent that from happening.

Mayor Jones: Mr. Collier, on this portion, Mr. Kanakos requested some information on Tenant's Rights and we did quote Title XXV. Has our Town Solicitor taken into consideration that, as well, as far as Tenant's Rights. Have you spoken to him directly about this?

John Collier: This is something that we discussed... The Town Solicitor and I sat down, in my office, and reviewed this document and made the most recent changes and this was discussed. At best, if it would make the Council more comfortable, we could make the reference to State Code, but generally we don't do that in other places; but yet, if we need to rely on it, we do. This was a question I originally posed to him, because the issue of the tenant objecting and the legality of it, came up very early on this process and I did the research in order to determine, because generally the statement was made, well the State doesn't allow it, well wait a minute, the State does allow it. So that's why I was familiar with that section, through my research in trying to prepare this. Again, sometimes I don't know, during the course of this process this is not about revenue, because there is no new fee; there's no increase in fee. This is not about penalizing people and making them get licenses when they don't need them; this is about the quality of the structure and the health and safety of the people who rent in this town. I think I've made this example before and I'll make it again. Recently there was a fire on Mulberry Street in the second floor of a rental unit and it was disclosed that there was no smoke detector in that second floor. Fortunately, there were no injuries to anyone and there was no loss of life, but I can't help but think about the idea; had something such as that occurred the fervor or the cry would have been, where was the Town of Milton in seeing that this was done correctly? This gives the town the ability to do it, because as our Ordinances are currently written, we just addressed rental licenses, not the quality of the structure or anything else or what's within it.

Councilman West: Can we go back to 164-11 John? It says Tenant Identification. It was brought up awhile ago...

Mayor Jones: We haven't gotten there, yet.

John Collier: We haven't gotten there, yet. Sorry.

Councilman West: Okay. Sorry about that.

John Collier: That's okay. There were some conforming changes in Section d of 164-7, Landlord, Landlord and Chapter; there's a Section 164-8 is about Suspension of the License and the only changes were made were again, conforming changes and expanding the reference to Chapter 136; in the past it was just generally the entire chapter and we specified the Sections that would apply in this case. Again, no changes in item b; 164-9 the Appeals Process...

Councilman Kost: John, could you go back to 164-8. If there is a violation, is there anything we can do about telling the landlord they have so many days to correct the violation before his license is canceled?

John Collier: That's a good question. I wish I could just tell you like that, I have the answer, but I don't. Generally, they're noticed that there is a violation that has to be corrected. If somebody is in violation, we have the ability to revoke their rental license.

Councilman Kost: I'm talking about a timeframe.

Mayor Jones: That's a good point.

John Collier: Well, I would generally think the timeframe is if I tell you your rental license is up, you've got to move your tenant out, you want to get that corrected, because generally people view those as income. We didn't put a timeframe on it because you run into the process; if you have to revoke a license and you have a tenant in place, then you get involved in the Landlord/Tenant Code, which means that they have a time period to notify and properly and possibly go to the eviction process. I don't know that we want to try to compete with that; generally, in that case, we would fall back to Delaware's Landlord/Tenant Code and follow those steps.

Councilman West: And that would prevail?

John Collier: It would prevail, generally, as far as if it comes to the fact that we have a violation and an eviction would be required in order to get them to act on the violation. Again, I can get a better answer for that question, but not without conferring with Mr. Thompson because I am not the attorney, nor do I pretend to be one.

Mayor Jones: I think it's a good question to pursue if you'd be so kind.

John Collier: Okay. Be happy to do that and I can do that before you schedule this for public hearing, I believe. Okay, so we're at 164-9 had to do with Appeals. There were no changes in that Section. That language is pretty much as it has existed in the previous incarnation of this. License to be Posted, that pretty much is the same. Tenant Identification. It's only upon request of the Town of Milton. If we don't request, it's not required, but if the Town of Milton says we want to know who lives in this house, they're required by this Ordinance, to provide that information.

Councilman West: That's on 11?

John Collier: That's 164-11.

Councilman West: It was brought up awhile ago that made a lot of sense. You've got a lot of transients moving in and they sub-let; what they're doing; and they will not give you the information that you want, because of the...

John Collier: But, see if they are sub-letting, are they doing it with the knowledge of the Owner of Record?

Councilman West: Nine times out of ten, no.

John Collier: Well, this is where the Owner of Record needs to step up and correct it.

Councilman West: Yes.

John Collier: If we suspect that and we have some homes in this town that are rentals that some members of the community refer to as bunk houses and this is how you begin to at least try to address the concept of bunk house.

Councilman West: Yes, they're shift changes, is what they call them.

John Collier: Well, I've heard them called that, as well. There are some homes that we receive complaints about and at this time we have had no way to even begin to try to identify who lives in them. The Housing Standards do say that once we inspect, there are certain things that you have to have. No more than so many people in a room designated as sleeping; unless there's a minimum amount of space for the first person and so much additional space for the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> person, so you don't end up with ten people sleeping in an 8X10' room. That comes under Housing Standards as part of the inspection.

Councilman West: In a room like this, they could get 100.

John Collier: Anything is possible, Councilman.

Councilman West: I've seen it happen, John.

Mayor Jones: I would like to bring Council's attention to Mr. Thompson's opinion on page two, paragraph three which speaks specifically to a matter that we are discussing here. I just want to make sure that you are aware of his comment on this particular topic.

Councilman West: My concern is John, how would you enforce that 100%?

John Collier: How do you enforce anything 100%, Councilman? You can only make your best effort. There's always somebody that tries to dodge the rules or find the hole in them or just ignores them and as hard as we try to capture all of that, you know as well as I do, if you get 75%, you've had a good day.

Councilman Kost: John, Inspections. If a new rental property comes up for the first time of getting a license, we inspect. Once they have a license and they continue to renew the license without defaulting, we never inspect again. Is that how this works?

John Collier: The only time that we would inspect again would be first, if they allow the license to lapse, or if the property were to change ownership. Then that starts over as the new owner allows for a new inspection and part of the reason for trying to capture that is, if somebody owns a property for 20 years as a rental and then up and sells it one day, you have to ask yourself, what's been fixed; or what's it like after 20 years of not having any access? Is it up to Standard? Is it up to Code? Without that particular ability on a change of ownership, to reinspect, we could never capture it. Annual inspections, there were some...

Councilman Kost: No, I'm not talking about an annual inspection. I just want to make sure I understand that. What we're in effect saying is if a license is granted and there's no default and no change of ownership, this could go on... just keep going.

John Collier: That's correct, Sir, as it's written.

Councilman West: It could go on for time in memorial.

Councilman Coté: And each renewal would require a certification from the owner, from the landlord.

John Collier: It requires a certification. That is correct. There is a certification that is

required. Now, you're putting your faith in the honesty of the person signing it, that it is within compliance, but with that certification, should something occur and somebody try to impose liability on the Town, at least the Town has that. Wait a minute. They certified that this property was in compliance with our rules.

Councilman Kost: I would assume if there was a complaint of some sort by a Tenant, then we would reinspect.

John Collier: That potential exists in there lease, although tenant complains sometimes are hard, because normally... and having been a tenant and made a complaint, usually it ends up costing you. Some Landlord's will agree to it, but in the long run, you pay for it. All of a sudden they decide they don't want to rent to you anymore, or the price of rent goes up commensurate with repairs that the inspection called for.

Councilman Kost: In the Inspection, the rental properties inspection checklist, talks about smoke detector's. Are we going to go to all the existing units and make them retrofit?

John Collier: Not at this time.

Councilman Kost: In the case of the buyer, if that was...

John Collier: Smoke detector's have always been required, as part of the Standard, ever since we have had rental licensing and the owner of that house, every year, with their rental license certified that they had proper smoke detector's. We never had the ability to inspect in the past, so we took it on face value that what they told us was correct.

Councilman Kost: And they lied. I take that back.

John Collier: They didn't make proper disclosure.

Councilman West: Also, there could have been a possibility that at that time when they did that, they didn't have the tenant's in there.

John Collier: That very well could be too and that gets me to...

Councilman West: Everything's a possibility.

John Collier: We live in a community of a lot of older homes and people buy them as investments and turn around and figure well I'll rent this property out to recoup on my investment. It's occurring right in my own neighborhood here in town. The way I look at it is, a lot of time you pick any block in town and nine out of ten blocks in the existing part of this town, you could pick out the rental by just walking down the street; because generally it's the one in the worst repair. Mr. Kanakos is here nodding his head. I think he lives next to one of the more notorious ones.

Ted Kanakos: I'm across the street from two of them.

John Collier: So this gives the Town the ability to at least have some say in this thing.

Councilman Kost: Question about the house that had the fire, the third fire they had, they didn't have the smoke detector; what action did we take in that case with regards to the license; when they certified they had something that they didn't? Did we cancel the license and say hey...

John Collier: Under the previous agreement you didn't have anything that you could do. The previous ordinance was about getting a license and it didn't establish too many Standards at all to speak of; didn't allow for any inspection; there was nothing about the exterior of the building, the interior of the building, conditions; none of that existed. It was primarily you would spend a lot of time identifying things like family, which I think if you look at Mr. Thompson's memo says it's a good idea to take that out; that's more



trouble than it's worth. I think that some of those definitions potential tenants and situations where there's a rental property are what lead to this.

Councilman West: I know one time, John, I rented a house and the landlady came over and said I've got to put this detector in there, with some kind of gas; radon gas or some kind of detector and that should be thought about too for all these houses with basements.

John Collier: Well, I can agree with that to some point, but I don't think radon gas is a big issue in this area, like it is in some states.

Councilman West: No, but it was one of those things, John, that was brought to her attention through the Landlord/Tenant Code somehow.

John Collier: I read the Landlord/Tenant Code. I don't remember seeing anything about radon.

Councilman West: I don't know, something about... Don't hold me 100% to that, but I know she read something and then right away she put it right in that house.

John Collier: Generally Councilman, I don't know that I can expect to hold a rental property at any higher standard than we hold residential property and we do not currently require radon detection equipment in residential properties. I think you're crossing the line into areas that are just a bit on the side of unfair. It's almost like you're penalizing someone because they choose to rent, if you require them to have a piece of equipment that you don't require the homeowner to have.

Councilman West: I know she put it in her house and all of her rental properties too.

John Collier: There was a period of time when radon was a big issue and some people made a mint selling the detector's.

Councilman West: This was in the 1990's.

John Collier: Yes.

Mayor Jones: Are we on 164-13 at this point?

John Collier: If that's where you want to be, that's where we'll be. We've gotten a little off track, but I'm depending on you all to pull me back to where you want to be. And your question is?

Mayor Jones: It's just that we're all on the same page, at the same place right now.

John Collier: Well that applies to Violations and Penalties, which generally I don't believe there were any significant changes to that, but let me look at my red line copy. Yes there were.

Councilman West: Can we get back to a. on 12? I've got a question here. It says in the event the holder of a license transfers ownership, or they change his/her address, the holder should notify the town within 30 days of such change. Then under b. it says no license is transferable. Okay, I'm not married and I have rental properties. Okay, I turn around and get married and then add that lady to that Deed, does that null and void that license?

John Collier: Good question. Generally, I would say that it didn't really. The ownership did not change completely, it just added another layer to it.

Councilman West: Because that will come up at some point in time.

John Collier: No doubt and it's a good point and I will note it and I will address it with Mr. Thompson, because I don't know the answer.

Councilman West: Because I know somewhere down the line that that will happen.

John Collier: The reason to write laws is for people to exploit them. Now 164-13.

Mayor Jones: I just want to make sure all of Council is still on the same page and we're finishing that up. I think that's where we left off if we are completing 164-12. Let me ask you, if I may still on 164-12, are some of these able to be attained? Sale of a rental property that owner shall file an application for a new rental license; ways of capturing that if...

John Collier: Generally, when a property changes hands in town, there is transfer tax received and everything else and that would be cross-checked against our rental license rolls.

Mayor Jones: That's a routine thing that's done when that information comes up?

John Collier: I can't say that that's a routine thing that's done today, because I don't handle that part of the aspect of town business, but it's certainly something that can be considered and would be considered in this case.

Mayor Jones: Okay. Any other questions Council? We're onto 164-13. I was going to ask the real estate agent if we had covered this, but I see she's not here. Any other questions on this? We have a few forms that you're going to take back to Mr. Thompson.

John Collier: That's correct.

Mayor Jones: I don't believe we will be voting on this.

John Collier: Does Council want to briefly review the checklist that was prepared?

Mayor Jones: Yes.

Councilman West: I have one more question. It says here about this fine deal. I know we discussed fines in the past of where we would lose money on these fines; will we lose money on these fines?

John Collier: I can't answer that question because I don't know. I just know that this has been the Standard and accepted fine and...

Councilman West: I got no problem with that, it's just that where before if it was over a certain amount, then it was going to end up costing town money out of that deal.

John Collier: The town never reaps the full benefit of the fine, when you figure the amount of time that it requires for staff to go through the motions to even bring it to the fact that a fine is imposed.

Councilman West: What I'm saying is minimal loss, you know.

John Collier: I would hope that there would be no loss, but again, I have not investigated how that works out, because not having ever applied anything in this particular case, I can't tell you how much time it's going to entail or ensue, as far as it coming down to what it takes to bring somebody to Court, over one of these issues. I think that's why the fine range was put in there, but I don't know how you trigger the Judge to go whether he says you get fined the minimum or the maximum or somewhere in between. That's usually at the Judge's discretion, not the town's.

Councilman West: Because some people would say well heck, I'll just pay the fine and be done with it.

John Collier: Except that for every day it exists, the fine repeats itself, so it's not a one and done.

Mayor Jones: I would like to move on to the checklist, if Council is not quite ready. Go ahead.

Councilman Coté: I did have one more question and it's more of a workload process

question. I don't know if we get inundated at any one point in time with new license requests, because it says we have 10 days to perform the inspection and I just don't know if there's a point in time when we historically have been inundated with new requests. I would think the potential exists, but...

John Collier: I don't know that we've ever been inundated, but the potential exists and the scenario that I would think of is if someone were to build an apartment unit with multiple units in it and they wanted to open this up and start renting. Now, generally a lot of the stuff that's on the checklist, you can only check once, even though it's a multiple unit building, but inspection is a lot simpler to perform if it's a non-occupied building; you're basically walking through and looking that you've got the outlets in this room, smoke detector here and so on and so forth. That's the worst case scenario. I've seen plans prepared in town that have never been built, but units that have 24 and 36 apartments in one building, when it comes right down to it, you have a two person staff I guess that can perform these inspections and you'll be busy.

Councilman Coté: Just curious if there's a busy, busy point, whether you can really do it in 10 days and what happens if you don't do it in 10 days? It says we do it in 10 days and what happens if we don't do it in 10 days?

John Collier: We don't do it in 10 days.

Councilman Coté: Do we forfeit the ability to do the inspection?

John Collier: I would hope not. That's a very valid point.

Councilman Kost: Should that be 10 business days?

Councilman Coté: Well it is 10 business days, but I'm still...

John Collier: I understand your point, Sir, and I really can't tell you what the answer to that is. As things currently exist in the Town of Milton, I don't even know that we get more than one or two new applications per year. We're still trying to capture unlicensed places. We know they exist and we're slowly finding them.

Councilman Coté: Okay.

Councilwoman Parker-Selby: I have a question. When the person's doing the checklist will it be just on papers or will it be on an iPad? Will they go through the checklist? Because this is a lot of stuff.

John Collier: We're not prepared to do things on an iPad, Councilwoman.

Councilwoman Parker-Selby: That should be the future, I'll say that. I was just wondering if this will look like this.

John Collier: I cannot tell you that that couldn't be a consideration for the future. At this point in time we're still at paper and pencil.

Councilwoman Parker-Selby: So the person will walk around with this list.

John Collier: I think this might be printed one sided, so that you all could write comments on the back side.

Councilwoman Parker-Selby: So it would be six pages, rather than twelve?

John Collier: This is well spaced. It could also be condensed.

Councilwoman Parker-Selby: I don't have a problem with it. I'm just wondering if this is what the person has to carry around with them.

John Collier: Unfortunately at this time and with the technology that the town currently has in place, this is what will be.

Councilman Kost: Is this in use right now?

John Collier: No, Sir, this was designed for this purpose. That's why it's subject to review and examination and changes.

Councilman Kost: We have nothing now?

John Collier: We have no inspection for a rental property. So this is a new document.

Councilman Kost: My only comment is it is very subjective. It depends on who's in a good mood that day, literally.

John Collier: I would say that most inspections are subjective, Sir, having spent a lot of time in a different industry doing inspections. They are subjective. Generally, this thing defines what the expectations are and you either pass it or you fail it.

Mayor Jones: These do come from, however, these were taken directly from...

John Collier: They are directly from our Code. None of this is invented or contrived or anything else. Some of them may be slightly paraphrased, some sections may have been condensed down to one section, instead of two or three separate issues, they cover one. But all of this is directly from our Code.

Councilman Kost: A procedural question about the Rental Ordinance and the Inspection Document. Will we pass the Ordinance first and deal with the Inspection Document as a separate issue, or are you going to try to pass everything at once?

John Collier: That would be at the discretion of the Council. I was asked to prepare the document. I have done so and it's there for you. I would expect that you'd all want to review it. I don't expect it to pass wholesale, as written. It's just what I prepared for the Council's consideration.

Councilman West: To answer Councilwoman Parker-Selby's comment on having iPad's and stuff, it is much simpler and much easier for somebody who has done inspections before, to have a clipboard and this paper, then it is to be messing with a bulky iPad or a laptop computer.

Councilwoman Parker-Selby: I'm sorry. I'm just getting used to the new technology. I don't see where people can say that.

John Collier: There are distinct advantages to both aspects.

Councilman West: You're still going to have to come back and load this, but this makes it a lot simpler.

John Collier: Ultimately, I can visualize this being a two-part document, because if you do an inspection on the spot you can hand somebody the deficiencies, you want to hand it to them on the spot; you don't want to say, I've got to go back to the office and make a copy of this and I'll email it to you, so it could be a two-part document. I understand. Even with the idea of an iPad, unless you've got a laser printer in your pocket, you're not going to print them the immediate answer.

Councilwoman Parker-Selby: Well I just said that because eventually whether we like it or not, it's going to get to a point where we will be doing something like that. If I had all of these papers walking around, I wouldn't feel like being bothered with that many papers. But whatever...

Mayor Jones: Before we go to the checklist. One point that was made is that this new proposed Ordinance, addresses or only involves Residential Rental Units?

John Collier: That is correct.

Mayor Jones: As opposed to the current Town Code, which includes within the definition of Rental Unit, offices and the like.

John Collier: Exactly, but you're looking at a different set of Standards if you apply to offices and you don't necessarily apply your Housing Standards to offices.

Mayor Jones: And I don't advocate we do. I just want to make sure that we're not dropping that off somewhere, as this is being directed towards the Residential Rental Unit.

John Collier: Not at this point. When this was brought to my attention as something that I needed to take a look at and work on, the focus was about Residential Rental Units. By no means do the commercial rentals fall by the wayside, that's another layer and another step and a different set of rules and we really have no Standards that apply to commercial buildings at this time, so it makes for additional work to be done.

Mayor Jones: Thank you. Having gone over the checklist and understanding that this is taken directly from our Code...

Councilman West: I have one question on 136-14. It says common halls and stairways and it says illumination at least a 60 watt light bulb. In today's standards, everything is changing from wattage to whatever these lumens are and that needs to be addressed for equivalent.

John Collier: That's true and I'll so note it.

Councilman West: Because I don't know about the rest of you, but I haven't figured this lumen stuff out with a 60 watt.

John Collier: In today's time, what I find is they will identify lumens and the equivalent of, for us old guys, the wattage.

Councilman West: Right, but that could be a technicality somebody will come back with and if we're not up on that, we've got to have that bulb come into it and it says this is equal to a 60 watt bulb.

John Collier: I'm sure that I can find a way to word that so that we are covered.

Councilman West: And anytime that you see that in any of these, we need to address that point, John.

Councilman Coté: On page two, the last item, we're preventing the entrance of rats and rain and surface drainage. Now, when we did the nuisance ordinance, didn't we have a long list of rats and other vermin?

John Collier: We could generally change the word "rats" to "vermin". Again, this is taken directly from the Housing Standards and if I'm going to change this checklist I also have to change the Housing Standards.

Councilman Coté: I think the broader definition might fit better.

John Collier: "Vermin" is fine with me.

Councilman Coté: Most of the vermin can fit through the same place as a rat, but maybe some of them are bigger.

Councilman West: How did we word the other, John?

John Collier: I don't recall off the top of my head and I don't have a copy of the Code here, but I think it identified a few other species of vermin, in addition to.

Councilman Coté: I know we identified skunks.

Mayor Jones: However, we didn't include marsupials, I think and I remember that conversation.

John Collier: You have to be aware of them, because they're fast.

Councilman Kost: Question. This language is taken directly out of the Housing Code?

John Collier: Pretty much so.

Councilman Kost: So like the wording on page one [garbled] the actual language?

John Collier: Yes, Sir.

Councilman Kost: I'm just wondering how you determined if the structural integrity [garbled].

John Collier: I would imagine that. Let me put it to you this way. There's probably a very fine line between what's safe and what's not safe. It's exactly as it's worded in our Housing Standards and if you start to define specific load limits and so on and so forth, then you get beyond the abilities of the town staff to make these determinations.

Councilman Kost: [Unintelligible], depending on who's doing the inspection and obviously what kind of a mood he's in and this could be interpreted 17 different ways. [garbled] Someone's going to be standing out there \_\_\_\_\_...

John Collier: I'm a big guy and if I jump up and down and it wobbles, then I can see your point. If you take someone considerably smaller and they jump up and down and it doesn't wobble, they may feel differently. I think that there's a certain amount of understanding. I would identify the problems being not so much with the wobble test, but the conditions of the materials that they are constructed with.

Councilman Kost: I understand that.

Councilman West: It's just like some of these old houses. I can walk across a floor and it's fine. John could walk across the same floor and find all the creaks and crunches in it. It's just a difference in the weight.

John Collier: There's a certain amount of discretion in these and again, like anything when it comes to inspection, there's always a certain amount of discretion you'll experience if you go to the motor vehicle lane and it doesn't matter what gets inspected.

Mayor Jones: Mr. Kanakos, I can't read what you're trying to say to me. Would you be clear? If it needs to go on the record, would you stand please.

Ted Kanakos: Councilman West, you mentioned radon. Was that actually carbon monoxide?

Councilman West: I'm not 100% sure what it was.

Ted Kanakos: Because I know you get as many people dying of carbon monoxide poisoning, as fires. Last year over in the western part of the state a whole trailer, a whole family was killed. I know that on my street, and I won't give you the address, there are a number of basements with gas fired hot water heaters and the chimneys or the flues were not connected correctly.

Councilman West: Right, because she did that because I had a gas heater down in there and a gas hot water heater.

Ted Kanakos: It's probably the carbon monoxide, because they also sell units that are smoke detector's and carbon monoxide detector's, jointly and I think that should be included in this, in the... I'm not privy to the checklist. I don't know if it's already in there, but that's a real killer. That's a silent killer. The other thing is you mentioned rodents and whatever, that's and I'll tell you why, people that bought the building Modern Mixture was in, Mr. Savarino Mendoza spent \$6,000 getting rid of rats that were in his crawl space.

Mayor Jones: They would be considered vermin.

Ted Kanakos: The other thing is, I just wanted to ask Mr. Collier, 167-47, the Landlord



and/or his designee shall be present on the premises during inspections, however, failure of the property owner to comply with this requirement shall not deprive the Town of the authority to inspect. How are you going to inspect it if... in other words, we're not going to be deprived of it, but does that mean you'll contact the Tenant separately? How does that work?

Mayor Jones: We've passed that portion. We're looking at this and it may be something that can be considered and the questions are well placed.

Ted Kanakos: How are you going to get in there?

John Collier: Point taken, Sir.

Mayor Jones: On your checklist, page five, under Basement Beams and Cellar Beams, although you would do an inspection, wouldn't improvement to those properties show up on our assessment documents in Town Hall?

John Collier: Not necessarily. The basement's one of the defined places that people are willing to work and...

Mayor Jones: And if you inspect and find they have an approved basement, it is a cross-check for your assessment documents.

John Collier: That possibility certainly does exist.

Councilman West: Because some of these basements, Mayor, you don't know if it is a basement on their house, unless they've got the windows there, to see out. Because not every basement has the windows.

Mayor Jones: I just look at it as one of those opportunities to check against property assessment and how the property is... You're right, though. You're right.

Councilman West: Unless somebody's honest enough to come and say I've got a basement under my house. You don't know it and not everybody's going to...

John Collier: You have that problem more so with older homes, Councilman. Newer homes usually because of the process that they get built under, they have to show a set of plans. The set of plans are reviewed by the Inspection Agency and then the Inspection Agency is there throughout the process while the house is built. They don't pull that one off too well anymore.

Mayor Jones: Mr. Collier, here under the Dwelling Units, the minimum gross floor area. That's on page five, as well. When you first ask to get a license, is anything involved with the size of the unit you're trying to license?

John Collier: It's not disclosed in the license process.

Mayor Jones: And we are prepared to measure this off? I'm asking you, 150 square feet for the first occupant, as long as you know how many actual people are in the home, which is a variable.

John Collier: That's a variable and it's part of what you get...

Mayor Jones: And 100 square feet, so you have no way of actually, before you get into the inspection phase, having any idea of the square footage of a unit?

John Collier: Not necessarily and when we determine that it's not prudent to require annual inspections, that kind of opt that idea of knowing that, has to be established early on in the game.

Mayor Jones: So you possibly have units that do not comply with this, at this time? Potentially?

John Collier: Potentially they exist, although a 10X15'... Generally, that would be a very

small efficiency, or a large sleeping room.

Councilman West: Isn't that noted under the property taxes?

John Collier: In the assessment records there are mentions of most dimensions, though they may not include the interior dimensions, but if you know the exterior dimensions you can come up with roughly what's there. Where you tend to lose that is when you're trying to capture if you have a home that's divided into several apartment dwellings, you may not be able to capture what the square footage is in each individual one immediately, but you certainly compute the aggregate.

Councilman West: It's just like a lot of these older houses, rooms vary, size to size. Even bedrooms. Your master bedroom was one size, the kids bedroom was a third of that size and they might have ten kids and put two kids in each room, or more.

John Collier: I understand. There are some elements of this, without a total disclosure of the dwelling, you're not going to capture immediately and it's only in hopes that time as we go through this process, that we're able to update records on some places. Eventually we will have all this information, but I don't know how the town would ever legislate anything that would make that information immediately available... Some things you can get. There are enough public records out there and if it's a property that's been for sale once or twice, you could probably pull the real estate records and the listing and find out the room sizes. In the newer dwellings in town in some of the residential neighborhoods, we've got floor plans for every possible house that they build and those are easy to capture. The tough part is in the older existing portions of town. That's the one that you're not going to capture without some \_\_\_\_\_.

Mayor Jones: Comments on the checklist, Council? I have one on page ten. This may just be something that's going to be grandfathered. This is the number of outlets required. Some of the older dwellings will not have this many outlets and is that a grandfathered issue?

John Collier: I would say it's grandfathered, until such time as they're inspected and made to come into compliance. Generally speaking, you probably have homes in town that still have knob and tubing wiring. That's not up to the current code, but as soon as you go through any electrical improvements and they're subject to inspection, they'll point that out to you very quickly.

Mayor Jones: Are your inspections being done in order to bring \_\_\_\_\_ up to Code, or to make sure that we have a quality of life for the town?

John Collier: I would say it's a little of both, because without... Of course, it's quality of life as the first thing, and you're going to capture some things that may not quite be up to \_\_\_\_\_ issue. My concern is that if you're going into inspect a unit and it has a single light bulb in the ceiling and from that light bulb it has one of those little things that screws in and has two electrical outlets on the side and you plug into each one of those, there's a splitter that creates three more outlets and you've got six cords running into the ceiling and a light bulb. I think the Town needs to at least point out that maybe that's not acceptable under our Housing Standards.

Councilman West: They work good though, John.

John Collier: All of it works good until it goes bad.

Councilman West: Until they burn down.

Mayor Jones: I do want to continue to move on with this, because it's very evident that

we're going to have to review this another time, before we get to this public hearing on this. We have some issues, I think legal issues, but that is one that does concern me, if you're placing an inspection on a home that's been rented for 20 years and that is what wiring is in there, if we... This may be apples and oranges, but when we sell a home and the old home passes with something that's not to Code and \_\_\_\_\_ an inspection doesn't it just pass from one hand to another, still being out of compliance?

John Collier: Generally, I would say that's true. Again, if it came down to the point that we had to invoke the Standards under the Housing Standards, this would apply in a residential setting. This is not something I invented for rentals. This applies across the board, so every dwelling in the Town of Milton.

Councilman West: Madame Mayor, you've still got a lot of old houses in town that have not been renovated and the electrical wiring has not been touched and you understand, I got one... When they wired some of these houses originally for electric, they did it from the outside. They took the boards off the outside of the houses and went underneath the houses and then came up and then wherever they wanted to have it, that's where they put it. Where now, with the Standards that we have, if you remodel, you've got to have them so far apart and I don't believe, until somebody remodels an old house, that you can hold them to that Standard, unless their insurance company makes them do it.

Mayor Jones: But, contrary to what you just said, if you inspect them for the first time as a new rental, you're telling me we can hold them to the proper Code.

John Collier: As I interpret the regulations, we can.

Mayor Jones: That's what I'm saying.

Jim Welu: As I read the Housing Standards and I think this gets to the point that Councilman West is making, the Housing Standards apply to any property built after October 1, 2009. They do not apply to things before that. If you're going to do a renovation, you get a renovation permit, then you've got to bring things up to the Code, whether it's plumbing or electrical; if you're doing something with those particular items. So I don't think that the Housing Standards is going to have much effect on bringing an old house up to the Code of 2009, of and by itself. If the owner wants to do some major renovations, then new Code requirements are going to apply.

Mayor Jones: Thank you, Mr. Welu... Anything else from Council on this issue, on this document, on Mr. Thompson's comments?

Councilman West: No, I feel that this is a good start and it is well prepared.

Mayor Jones: It is well prepared and Mr. Thompson was grateful to the work that Mr. Collier and Mr. Trotta have put forth in it. Mr. Collier, thank you very much. I'm not going to take a vote on this, but would Council like to make a motion to table this to be brought up again, I would say prior to the date that we schedule this public hearing, assuring that this document that's been changed with some of the...

John Collier: I will make a stab at preparing this for your April 6<sup>th</sup> meeting.

Councilman West: Madame Mayor, I make a motion that we hold this up, get this on the agenda for our next Council Meeting with the changes that we've come up and let Mr. Collier present that back to us.

Councilwoman Patterson: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried.

9. New Business – Discussion and possible vote on the following items:

- a. Resolution 2015-007 to schedule a public hearing relating to the proposed amendments of Chapter 164, “Rental Licenses”

Mayor Jones: We need to do this within 30 days?

Kristy Rogers: I think this should be tabled, as well, until you have a clear draft to then present for public hearing.

Mayor Jones: That's a great idea and then we will have something more concrete in absolute to present to the public and then scheduling this public hearing.

Councilman West: I make a motion that we table this until after we have our next Council Meeting on the proposed changes that were just discussed.

Councilwoman Parker-Selby: Second.

Mayor Jones: So we have a motion to table until we finish with the first part of this, which is the Ordinance to repeal and replace Chapter 164. All those in favor say aye. Opposed. Motion carried.

- b. Extension request of Holly Lake Subdivision site plan approval

Mayor Jones: You have an extension request of Holly Lake Subdivision site plan approval on Loblolly letterhead. Mr. Draper would you like to come and address the Council? This is pretty self-explanatory, but if there is something that you'd like us to know...

Mr. Draper: I have no new knowledge except the wheels of change move slowly and we're not ready for it to make some decisions and we'd like an extension for another year, I think. Any questions?

Mayor Jones: I have none. Mr. Collier, do you have any questions about this request for an extension?

John Collier: No, it's a valid request.

Councilman West: Madame Mayor, I make a motion that we grant Mr. Hopkins and Mr. Draper's request for the extension.

Councilwoman Patterson: Second.

Mayor Jones: Just to add, for the Holly Lake subdivision.

Councilman West: Of the Holly Lake subdivision.

Mayor Jones: Any other discussion?

Councilman Kost: What period?

Mayor Jones: For the period of another year. Is that correct? For a period of one year.

Councilman Coté: And would this be the last extension in the series that they've been allowed?

Mayor Jones: It would be the third, yes. All those in favor say aye. Opposed. Motion carried. Thank you Mr. Draper. Thank you for staying so long with us.

Mr. Draper: I enjoyed it.

- c. Ordinance 2015-003 to establish the new definition for Kiosk in Chapter 93, “Business Licenses” (first reading)

Mayor Jones: This is what we had decided on when we decided on the cost of a business license belonging to a Kiosk. A Kiosk being a small structure, located within an establishment, usually opened in front and used as a newsstand or a place for selling

goods or conducting transactions. We've all read this. Any comments, concerns?

Councilman Coté: Motion to approve Ordinance 2015-003 to establish the new definition for Kiosk in Chapter 93, "Business Licenses".

Councilman West: Second.

Mayor Jones: Any discussion on this matter? All those in favor say aye. Opposed.  
Motion carried.

d. Condemnation and/or demolition of 102 Hazzard Street – **Removed**

#### 10. Adjournment

Councilman West: Madame Mayor, I make a motion that we adjourn.

Councilwoman Patterson: Second.

Mayor Jones: Yes?

Rev. Dr. Dianne Davis: I just want to address the Council because I feel that injustice has been served tonight to me and to my colleagues. I sent an email to the Mayor on March 4<sup>th</sup>. I got a response. I sent an email to Kristy on March the 9<sup>th</sup>. Then on March the 10<sup>th</sup>, I got an email saying "The reason that they would not put me on the agenda was because Council would not be able to discuss a waiver of fee at this meeting on March 16<sup>th</sup>. The Park Policy does not provide any exemption pertaining to fees. My sincere apologies on the miscommunication yesterday. Please feel free to contact me." Now you stated that it was because I was not in the timeframe. I was in the timeframe and I feel that I was not put on the agenda when I asked and I should have been put on the agenda when I made that request. I don't feel that someone should have made that decision for me. I thought that justice should be that I have the right to be on the agenda and I think it's a disservice to the community to do this to a new organization that's trying to do something for the community. Goshen United Methodist Church allows their parking lot to be used by the Police Department, by Short's Funeral Home. We don't charge anything and I think this is an injustice to what we're trying to do for the community.

Mayor Jones: Did you indicate that you gave the information at first, that you were responded to on the 10<sup>th</sup>, Tuesday the 10<sup>th</sup> and you received information that it could not be placed on the agenda. Is that correct? Is that what you just said?

Rev. Dr. Dianne Davis: Based on someone's decision that there was exemption policy in your present park policy. Someone made that decision. I was not allowed to be heard and the discussion on the phone was the fact that you had to look at the entire policy, not just that one part and so therefore they did not want to look at it tonight and I think that's injustice.

Mayor Jones: Okay, I do hear what you have said. I'm stuck on a date that you threw out of the 10<sup>th</sup> of March.

Rev. Dr. Dianne Davis: I got a response on the 10<sup>th</sup> of March. I believe Mrs. Rogers said that when she contacted me that the agenda had already been made up, apparently it had not.

Kristy Rogers: The agenda was posted on the 9<sup>th</sup>. I have to post it a week ahead of the meeting, that's the FOIA law from Delaware.

Rev. Dr. Dianne Davis: I sent you an email before that, because I emailed the Mayor on the 4<sup>th</sup>.

Kristy Rogers: I understand and I really am trying to work with you and I reached out to the Solicitor and tried every means to amend the agenda, but when I received your email, it was during the evening of the 9<sup>th</sup>, last Monday, the agenda had been posted. My response on the 10<sup>th</sup> was...

Rev. Dr. Dianne Davis: My reason for emailing the Mayor is because no one responded to me and the Mayor can attest to that that I emailed the Mayor and said I've had difficulties trying to get in touch with someone and she apologized. She said this is the person's name you need to contact. So this has been going on since...

Mayor Jones: Actually Dianne, I was kind of interested, because you came in on my private email, instead of the town's, so somebody gave you a link, so if you had tried to reach me, I'm very sorry that you were unable to reach me.

Rev. Dr. Dianne Davis: Somebody gave it to me. I had no other...

Mayor Jones: I think that there is nothing comedy about it, but if I use the term a Comedy of Errors, of miscommunication. I am not exactly sure we are still in the position where I feel that you need an answer and I'm sure that the operational staff and the administration also feel that you need an answer. However, it wasn't anything that we could take care of for you here this evening. Under the agenda that was posted, we could not help you tonight.

Rev. Dr. Dianne Davis: That's what I'm saying. I should have been put on the agenda. That's what I'm trying to convey to you.

Mayor Jones: And I hear you saying that and I hear you're frustration. I'm not able to undo the fact that you were not put on the agenda this evening. So, I'm empathetic to what you're saying and I do hear your frustration. I'm not exactly sure what you would have us do to remedy this, but if you have a suggestion I would be...

Rev. Dr. Dianne Davis: I feel that justice should be served and I should be put on the agenda. That's what I feel, because I was told I could not be put on the agenda and I was told because there was no waiver in your policy. Someone made that decision, without it coming to the Council tonight. The Council should have made that decision. Not just one person.

Mayor Jones: Understand that the policy does contain no waiver.

Rev. Dr. Dianne Davis: I understand that, but my reason for coming here tonight was for the policy to be looked at again, to see if there could be a waiver. I was not given that right tonight. Someone made that decision on this evening, or someone already made that decision saying... Someone actually said no to me, without me being heard, about my Committee being heard. Because they didn't want to take the time to look at the policy. That's what I'm feeling. That's what I'm walking away with, that someone didn't want to... You didn't want to be bothered with your agenda tonight, as far as looking at your policy. That's what it feels like. That's what I'm hearing you say, that we don't want to look at our policy, we don't have the time for that. We have other things on our agenda, so we're just not going put you on the agenda, because our policy doesn't have anything that says anything about a waiver, so therefore we're not going to look at our policy. That's what I'm hearing tonight from you and this committee and then I hear someone say, well you weren't in the timeframe, which is not true. We don't have to speak untruths to get a point across and I'm very disappointed that a Council would tell me something that's not... would put something out there that's not true. I was in the timeframe.

Councilman Coté: From what I just heard from Mrs. Rogers, you were not in the timeframe. If this agenda is posted on Monday, before the close of business...

Rev. Dr. Dianne Davis: Mrs. Rogers was out on the election, the first time I contacted her. On March the 4<sup>th</sup> I contacted the Mayor, so that is in the guidelines.

Councilman Coté: The 4<sup>th</sup> is...

Mayor Jones: And you asked for a waiver. You asked, actually, for the use of the Park, yes.

Rev. Dr. Dianne Davis: Hi, Kristy, per our conversation today, regarding use of the Park for



sunrise service, I would like to be put on the agenda for your schedule on that Monday night.  
Kristy Rogers: And that was after the close of business, last Monday. I could not amend the agenda.

Rev. Dr. Dianne Davis: You were not in the office. You were at the election, the first time that I called.

Kristy Rogers: Not last Monday, when you sent that email. That's the point where I contacted the Solicitor and he would not approve the amended agenda.

Rev. Dr. Dianne Davis: There's nothing in this email saying that you contacted anyone. All it says is you could not put me on the agenda because there was no waiver of policy at this time. So therefore... In your conversation, you called and confirmed your conversation...

Kristy Rogers: That's correct.

Rev. Dr. Dianne Davis: You felt that they would have to look at the whole policy in order to address one waiver.

Kristy Rogers: That's correct.

Rev. Dr. Dianne Davis: So that's telling me you do not want to look at your policy.

Kristy Rogers: We wanted to review the policy, but the Solicitor would not allow us to amend the agenda to review that policy, this evening.

Rev. Dr. Dianne Davis: This is the first I'm hearing that this evening when you said that. That's the first time I'm hearing that.

Councilman West: Madame Mayor, the best thing to do is to make this a town-wide event. Let them do their sunrise service.

Mayor Jones: Councilman West, procedurally I'm not willing... if you can get the rest of this Council to follow you on what you plan to do this evening, that's one thing. I cannot put the town in jeopardy in this way.

Councilman West: How is it going to put the town in jeopardy?

Mayor Jones: It is a FOIA violation.

Councilman West: No, I'm not talking about putting this on the agenda. What I'm saying is allow them to use that park as a town-wide function. It would save face for the town. It would allow us to get this enacted for next year when they want to do this again; but if we make this a town-wide thing, where the Town would waive that fee because it's a town event... Aren't the churches part of this town?

Rev. Dr. Dianne Davis: There are seven churches, eight churches that are part of this ministry.

Councilman West: And that way it would save face with the Town. It would allow them the use of the Park, but with the stipulation that anything that the Town has to clean up after them, then they would be charged.

Rev. Dr. Dianne Davis: We would be totally responsible.

Councilman Coté: But there's no item on the agenda for a town-wide event, either; to discuss a town-wide event, so we're still stuck.

Councilman West: My question is on that. We're going to have these hearings. Is it too late to have it on one of those agendas?

Mayor Jones: Next Monday's night hearing has already been posted.

Councilman West: Okay. I will not be here then on Monday night. Tuesday night I can be here.

Mayor Jones: Tuesday we don't have a meeting.

Councilman West: She had some other dates.

Kristy Rogers: Thursday.

Mayor Jones: Thursday, the 26<sup>th</sup> is a Charter Workshop.

Councilman West: I can be here then and can we get it on that agenda?

Mayor Jones: Instead of just a Charter Workshop, Charter will be worked up and that is going to become a review of the park policy, because that's how we're going to have to look at this.

Councilman Coté: It's basically going to be two separate meetings on the same night. The Council Meeting with the sole agenda item to look at the Park Policy and then that will adjourn and the workshop will convene. So is it one agenda or two agendas? Or one agenda with a bunch of stuff in it? Technically, I don't know the answer, but two agendas. We're going to be here anyway. Some of the folks who want to argue about the Charter, may be disappointed in the timeframe of that, but that's life.

Councilwoman Parker-Selby: So we're saying possibly on the 26<sup>th</sup> meeting agenda? Is that what we're saying?

Councilman Coté: Yes, that's what we're saying is make that the first item of business and then do the workshop on the Charter afterwards.

Councilwoman Parker-Selby: So dismiss and then go into the policy, is what you're saying.

Councilman Coté: I don't know how you do the timing on that, but...

Kristy Rogers: I think the meeting should start prior to 6:30.

Councilman Coté: Yes, maybe we could start at 6:00 .

Councilwoman Parker-Selby: We could start at 6:00.

Councilwoman Patterson: We've done that before, where we start at 6:00 and have one agenda and then...

Councilman Coté: We could start at 6:00 for the park policy and...

Kristy Rogers: I would say 5:30. It won't be a 30 minute conversation.

Councilman West: Then I second it and let Kristy work her magic to make it happen.

Councilman Coté: We just need to figure out what the time is. I don't know if it's 6:00 or 5:47 or... Mrs. Rogers would like 5:30, then we'd be sure we'd have ample time.

Kristy Rogers: We just need a quorum. I'm here anyway.

Councilwoman Parker-Selby: I'll be here at 5:30.

Councilman West: I'll be here.

Rev. Dr. Dianne Davis: Do you need someone from the ministerial alliance.

Councilwoman Patterson: That would be good.

Councilman Coté: If you could come forward with the details, a specific set of details of what the event is going to be, that would help as well.

Rev. Dr. Dianne Davis: Okay, we meet on the 23<sup>rd</sup> and we will have a worship order of service and all the particulars on the 23<sup>rd</sup>. We'll have that all worked out.

Councilman Coté: Do we need to advertise in the agenda specifically that it could relate to having some early morning sound amplification in the neighborhood?

Rev. Dr. Dianne Davis: I don't think it's going to be extremely loud, probably less than what you have on Wednesday's when you have the Concerts in the Park.

Councilwoman Patterson: It's just the houses... the neighbors.

Rev. Dr. Dianne Davis: Don't you have music in the park on Wednesday's?

Councilman Coté: But people are generally up and people are awake then.

Rev. Dr. Dianne Davis: Yes, I hear what you're saying.

Councilman Coté: For Concerts in the Park.

Mayor Jones: Thank you. I need a motion to adjourn.

Councilman West: I make a motion to adjourn.

Councilman Côté: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. Meeting adjourned at 8:47 p.m.

Rev. Dr. Dianne Davis: Thank you.